

CHAPTER 458

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 22-1321

BY REPRESENTATIVE(S) McKean and Roberts, Benavidez, Bernett, Bird, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Snyder, Valdez D., Will, Young;
also SENATOR(S) Pettersen and Woodward, Cooke, Hansen, Kolker, Story.

AN ACT

CONCERNING A STUDY OF DEVICES THAT ARE BASED ON FDA-CLEARED TECHNOLOGY CAPABLE OF SELF-ASSESSING IMPAIRMENT OF MOTORISTS TO DETECT THE PRESENCE OF DRUGS OTHER THAN ALCOHOL DURING ROADSIDE SOBRIETY INVESTIGATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 42-4-1308 as follows:

42-4-1308. Study of devices capable of assessing drug impairment of motorists - report - definition - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "FIELD STUDY" MEANS A RESEARCH ACTIVITY THAT OCCURS OUTSIDE OF AN OFFICE OR LABORATORY SETTING FOR AT LEAST A PORTION OF THE STUDY'S DURATION.

(2) ON OR BEFORE JUNE 1, 2022, THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL ISSUE A REQUEST FOR PROPOSAL FOR A STUDY AND REPORT TO BE CONDUCTED AND COMPLETED NOT LATER THAN JUNE 1, 2023. THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL SUBMIT AND PRESENT A FINAL REPORT AT THE JOINT TRANSPORTATION COMMITTEE'S "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING PURSUANT TO SECTION 2-7-203 AND TO THE COLORADO TASK FORCE ON DRUNK AND IMPAIRED DRIVING CREATED IN SECTION 42-4-1306. THE STUDY SHALL INVESTIGATE AND EVALUATE THE VIABILITY OF DEVICES THAT ARE CAPABLE OF ASSESSING COGNITIVE AND PHYSICAL IMPAIRMENT OF MOTORISTS TO DETECT THE PRESENCE OF DRUGS OTHER THAN ALCOHOL DURING ROADSIDE SOBRIETY INVESTIGATIONS.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(3) THE REQUEST FOR PROPOSAL MUST INCLUDE, AT A MINIMUM:

(a) THE INTENDED STUDY METHODOLOGY;

(b) THE PERFORMANCE OF A FIELD STUDY TO EXAMINE THE VIABILITY OF THE DEVICES;

(c) THE RECRUITMENT OF AT LEAST ONE HUNDRED PARTICIPANTS; AND

(d) A DATA COMPARISON BETWEEN BLOOD SAMPLES AND TEST RESULTS FROM THE DEVICES FOR EACH STUDY PARTICIPANT. FOR THE PURPOSE OF THE COMPARATIVE ANALYSES, THE BLOOD SAMPLES MUST BE COLLECTED AT LEAST THREE DIFFERENT TIMES DURING THE FIELD STUDY.

(4) THE REPORT SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THIS SECTION MUST INCLUDE LEGISLATIVE RECOMMENDATIONS CONCERNING A PILOT PROGRAM TO FURTHER ANALYZE THE DEVICES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 2. Appropriation. For the 2022-23 state fiscal year, \$751,649 is appropriated to the department of transportation. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501(1), C.R.S. To implement this act, the department may use this appropriation for the impairment device study.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022